

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1547 - HB 1457

April 8, 2021

SUMMARY OF BILL: Reduces the penalty for engaging in camping on property of the state knowing that the area is not specifically designated for use as a camping area to a Class A misdemeanor offense. Revises the offense of intentional, knowing, or reckless obstruction of a highway to remove the Class E felony offense of obstruction that prevents an emergency vehicle from accessing a highway or street, a first responder from responding to an emergency, or access to an emergency exit.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – \$3,500 Incarceration*

Other Fiscal Impact - Realized savings from decreased incarceration expenditures will be recurring savings of \$3,500 in FY21-22 and subsequent years.

Assumptions:

- Public Chapter 3 of the Second Extraordinary Session of the 111th General Assembly (PC 3) revised the penalties for camping on state property and intentional, knowing, or reckless obstruction of a highway. As such, statistics for convictions under the new penalty structure are not yet available.
- Based on information provided by the AOC, there were zero camping convictions under Tenn. Code Ann. § 39-14-414 for the past five years prior to the passage of PC 3.
- Any impact to state or local incarceration resulting from reducing the penalty for camping offenses is estimated to be not significant.
- The proposed legislation will result in one fewer admission of intentional, knowing, or reckless obstruction of a highway every five years.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average time served for a Class E felony is 0.60 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, one fewer offender will be admitted every five years and no longer serve 219.15 days (0.60×365.25). The annualized decrease in state incarceration expenditures is estimated to be \$3,527 ($\$80.46 \times 219.15 / 5$).
- Any impact to local incarceration resulting from revising the offense of intentional, knowing, or reckless obstruction is estimated to be not significant.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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